

SERVICE ANIMALS

Iowa Civil Rights Commission
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What is a service animal?

Pets v. Service and Emotional Support Animals

Pets

- Animals living with owners for the purposes of love, affection, and/or company.

Service and Emotional Support Animals

- Service Animals: Animals individually trained to perform tasks for the benefit of an individual with a physical, intellectual, and/or mental disability
- Emotional Support Animals: Provides therapeutic benefit to a person with a mental or psychiatric disability

What is a disability?

- Fair Housing Act definition:
 - a) A physical or mental impairment which substantially limits one or more of a person's major life activities,
 - b) A record of having such an impairment, or
 - c) Being regarded as having such an impairment

Physical or mental impairment: any physiological disorder or condition of a major body system or any mental or psychological disorder.

Examples

- Service Animals:
 - Vision Impairment:
 - guiding individuals with impaired vision
 - Physical Impairment:
 - Providing protection or rescue work
 - Pulling a wheelchair
 - Fetching dropped items

Examples

- Emotional Support Animals:
 - Post Traumatic Stress Disorder
 - Anxiety Disorder

Service Animals and Emotional Support Animals ≠ Pets

- Important to remember:

Animals needed to assist, support or provide service for persons with disabilities are not pets and therefore not subject to certain conditions of pet ownership.

Service Animals and Emotional Support Animals ≠ Pets

Usual conditions of tenancy:

- 'No pet' policy
- Payment of a pet deposit
- Pet rent
- Limitations on the number of animals in the unit
- Prohibitions on individual animals based on size and weight

Since service and emotional support animals are *not* pets, they are not subject to the above conditions.

Reasonable Accommodations

- If an applicant, a tenant, or someone associated with a tenant, i.e. a family member or friend, has a disability, he/she may request what is called a *reasonable accommodation*.
- A reasonable accommodation is a change in rules, policies, practices or services which allows the tenant to have an equal opportunity to use and enjoy the residential dwelling.

Reasonable Accommodations

- The request for an accommodation:
 - Tenants can request an accommodation orally or in writing
 - “When making the request, the tenant should explain what type of accommodations he/she is requesting and the relationship between the requested accommodation and the disability.”
 - What is the accommodation?
 - How does the accommodation help the disability?

Reasonable Accommodations

- The request:
 - Do *not* ask the tenant: “What is the disability?”
 - “A landlord may request only information that is necessary to evaluate the disability-related need for the accommodation.”
 - *Do* ask the tenant: “What are the effects of the disability, and how does the [requested accommodation] help it?”

Reasonable Accommodations

- The request:
 - If the disability is not obvious, a landlord may ask for further information about the disability that is:
 - Necessary to verify the person meets the definition of a person with a disability;
 - Describes the needed accommodation; and,
 - Shows the relationship between the accommodation and the person's disability.

Reasonable Accommodations

- A doctor's note containing the information is generally adequate, though not necessary
- Tenant is *not* required to show detailed medical records concerning the disability
- For emotional support animals: documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides support that alleviates at least one of the identified effects of the disability is adequate.

Reasonable Accommodations

- When can a landlord refuse a reasonable accommodation?
 - A landlord can refuse a reasonable if the accommodation will
 - Be an undue financial or administrative burden on the landlord
 - Fundamentally alter the nature of the provider's operations
 - Result in substantial physical damage to the property of others **unless** the threat can be eliminated or significantly reduced by alternative means
 - Pose a direct threat to the health or safety of others

What *can't* a landlord do?

- A landlord cannot flat out refuse an accommodation request.
- A landlord can't ask a tenant to pay a deposit, fee or surcharge in exchange for having a service or support animal **even if** they require such fees from pet owners.
- A landlord can't require the service or support animal to have any specific training or certification.
- A landlord can't require the service or emotional support animal to wear or carry any special collar, harness, vest, emblem or other means of identifying it as such.

What *should* a landlord do?

- A landlord should engage in an interactive process to determine the needs of the tenant and whether the accommodation can be made.
- A landlord should respond as promptly as possible to the request; an extended amount of time can be seen as a refusal to accommodate.

What *can* a landlord do?

- Landlords can request proof of current vaccination and/or license for the service and/ or emotional support animal.
- Landlords can expect the tenant to conform to the rules of the complex, i.e. picking up animal waste, maintaining the unit to the extent expected of every other tenant.
- Landlords may charge for *actual* damages caused to the premises by the emotional support and/or service animal.
 - Cannot charge pet deposit for potential damages but can charge for damage actually done to the property.

Questions, Comments, Concerns

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